

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALLEN MAZEROLLE, individually)	
and on behalf of all others similarly)	
situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-02887-WSD
)	
THE HOME DEPOT, INC.,)	
)	
Defendant.)	

CONSENT MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT

NOW COMES Defendant The Home Depot , Inc. (“Defendant”), by counsel, and respectfully moves the Court, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Federal Rule of Civil Procedure 12(a)(1)(A), to extend the time within which Defendant is required to answer or otherwise respond to the Complaint in this action, through and including October 16, 2014.

This case is one of several putative consumer class actions that have been filed in recent weeks in connection with a criminal intrusion into Defendant’s data systems. Two of those cases, *Solak v. The Home Depot, Inc.*, N.D. Ga. Case No. 1:14-cv-02856-WSD, and *Murphy v. Home Depot, Inc.*, N.D. Ga. Case No. 1:14-

cv-02909-WSD, are currently pending before this Court. The Court granted Home Depot's motion for a two-week extension in *Solak* on September 29, 2014.

Plaintiff Allen Mazerolle ("Plaintiff") filed the Complaint in this action on September 8, 2014, and the Complaint was served on September 11, 2014. Defendant is investigating Plaintiff's allegations to obtain the information necessary to enable Defendant to file a response to the Complaint. Accordingly, Defendant has requested, and Plaintiff has agreed to, a two-week extension of the time within which Defendant is required to answer or otherwise respond to the Complaint, through and including October 16, 2014. Defendant respectfully submits that the requested extension will not prejudice either party or unduly delay this proceeding. A proposed order is attached hereto as **Exhibit A**.

In addition, as the Court is aware, on September 15, 2014, the plaintiffs in the *Solak* action filed a Motion for Consolidation and Transfer Under 28 U.S.C. § 1407 with the Judicial Panel on Multi-District Litigation (the "MDL Panel"), seeking to have *Solak* consolidated with the instant action and a case pending before the Northern District of Illinois. On September 19, 2014, the *Solak* plaintiffs filed an Amended Motion for Consolidation and Transfer with the MDL Panel, seeking to have ten other actions consolidated with *Solak* and transferred to this Court.

Defendant recognizes that the MDL process may impact future deadlines in this action, including the time within which to answer or otherwise respond to the Complaint in this action and other complaints. As reflected in the *Solak* plaintiffs' motion for consolidation and transfer, at least ten other actions relating to the intrusion into Defendant's data systems have already been filed, and additional actions continue to be filed. Defendant is in the process of evaluating the various complaints and deadlines and, if necessary, may seek guidance from this Court concerning the efficient scheduling and management of the cases before this Court.

Respectfully submitted, this 29th day of September, 2014.

/s/ Phyllis Sumner

Phyllis B. Sumner
Georgia Bar No. 692165
S. Stewart Haskins II
Georgia Bar No. 336104
J. Andrew Pratt
Georgia Bar No. 465311
KING & SPALDING LLP
1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: (404) 572-4600
Facsimile: (404) 572-5100
psumner@kslaw.com
shaskins@kslaw.com
apratt@kslaw.com

Counsel for Defendant

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1D, the undersigned certifies that the foregoing complies with the font and point selections permitted by L.R. 5.1B. This Motion was prepared on a computer using the Times New Roman font (14 point).

Respectfully submitted, this 29th day of September, 2014.

/s/ Phyllis Sumner

Phyllis B. Sumner

Georgia Bar No. 692165

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed on September 29, 2014 with the Court and served electronically through the CM-ECF (electronic case filing) system to all counsel of record registered to receive a Notice of Electronic Filing for this case.

/s/ Phyllis Sumner

Phyllis B. Sumner

Georgia Bar No. 692165